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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No.59897-M of 2006

Date of decision: 1.12.2006

Jagdish Singh ...Petitioner

Versus

U.T.Chandigarh ...Respondent

CORAM: HON'BLE MR.JUSTICE ADARSH KUMAR GOEL

Present: Mr.C.L.Verma, Advocate for the petitioner
Mr.Gurpartap Singh, Assistant Advocate General, Punjab.

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ORDER:

Bail application of the petitioner was earlier considered on 9.3.2006 and following order was passed:-

"Heard.

Offence alleged is under sections 15/29/60/61/85 NDPS Act.

It is not disputed that case of petitioner Mange Singh alias Manga is at par with the case of Kuldeep Singh co-accused, who has been granted anticipatory bail on 23.1.2006 in Criminal Misc. No.43920-M of 2005.

Without expressing any opinion on merits, Manga Singh petitioner no.2 is granted bail to the satisfaction of CJM, Ludhiana.

As regards the case of Basant Singh, he is said to have been identified on the spot and case is already fixed for evidence on 17.3.2006.

Without expressing any opinion on merits, no case is made out for grant of bail to petitioner Basant Singh at this stage. However, let the trial be expedited and the prosecution evidence may be

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concluded as far as possible within six months from the date fixed.

The petition is disposed of."

Learned counsel for the petitioner submits that even though period of six months is almost over, the case is still at charge stage.

Report has been received from the trial Court to the effect that earlier charge was framed against eight accused out of total twelve accused. Three of the accused were declared as proclaimed offenders on 22.2.2006 and case was fixed for evidence. Some witnesses were summoned for being examined but on that date Kuldeep Singh, co-accused, who was absconding appeared and supplementary challan was filed against him. Supplementary challan was also filed against Surjit Singh and Sucha Singh and thus charge was to be reframed against all the accused. It is also stated in the report of the trial Court that anticipatory bail has been granted to Kuldeep Singh. Petitioner has been in custody since 27.4.2005 and total recovery is alleged to be 54 Kgs of poppy husk. It is pointed out that since the petitioner was not apprehended on the spot, petitioner has an argueable case on the question of conscious possession. It is further submitted that if margin of error is given for the weighment, case of the petitioner is border-line case and if is found that alleged recovery was upto 50 Kgs, case will not be of commercial quantity. In these circumstances, indefinite custody of the petitioner is not called for.

Having regard to the above and without expressing any opinion on merits,the petitioner is granted bail to the satisfaction of CJM, Ludhiana.

December 01,2006 **(Adarsh Kumar Goel)**
Pka **Judge**